

# **Arizona Military Airport Preservation Committee**

## ***Annual Report***

2001

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**Arizona  
Military Airport  
Preservation Committee  
Annual Report  
2001**

**Committee Members**

Senator Edward Cirillo, Co-Chair  
Representative Mike Gleason, Co-Chair  
Senator Jay Blanchard  
Representative Mark Maiorana  
Supervisor Casey Prochaska  
Mayor Elaine Scruggs  
Mayor Marilyn Young  
John Ogden  
Charles Roach

Brig. General Thomas Browning  
Gary Blake  
Thomas Manfredi  
Michael Anable  
Supervisor Janice Brewer  
Mark Spencer  
Steve Jewett  
Konstantine Nezer

# Arizona Military Airport Preservation Committee

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## PURPOSE

The Arizona Military Airport Preservation Committee makes recommendations, in conjunction with the State Land Department, to the Legislature to preserve the long-term viability of military airports and the private property rights of property owners in the vicinity of military airports.

## INTRODUCTION

### DUTIES

Established by Laws 1995, Chapter 62, the Arizona Military Airport Preservation Committee, in conjunction with the State Land Department, is charged with:

- ◆ working with political subdivisions and the Department of Commerce to encourage compatible development on properties in the vicinity of military airports on which day-night sound level is sixty-five decibels or higher;
- ◆ considering the purchase or exchange of land or development rights as a method of achieving the goals of preserving the long term viability of military airports and private property rights;
- ◆ studying and promoting a constitutional mechanism to exchange state trust lands for equally-valued private or public lands;
- ◆ creating a data base of ownership and purchase information for properties located in the vicinity of military airports on which the day-night average sound level is sixty-five decibels or higher;
- ◆ considering the accuracy of existing noise contours as they are issued and facilitating the development and distribution of metes and bounds legal descriptions of noise contours to be utilized in the implementation of State law;
- ◆ conducting an engineering survey to assist in the development of legal descriptions for land within the noise contours of Luke Air Force Base and the Marine Air Corps Station- Yuma.
- ◆ conducting a baseline study to determine the condition, mission, growth, capacity, potential long-term outlook and obstacles to future utility and development of at least the following military airport bases: Davis Monthan Air Force Base, Luke Air Force Base, Fort Huachuca, Marine Corps Air Station- Yuma, Barry Goldwater Gunnery Range and Yuma Proving Grounds;
- ◆ making recommendations to the Legislature.

**REQUIREMENTS:** Report to the legislature by December 15 annually.

**TERMINATION:** July 1, 2005

**OTHER:** Political subdivisions are required to notify the Committee of any proposed residential development on properties in the vicinity of a military airport and experiencing a day-night average sound level of at least sixty-five decibels. The Arizona Attorney General is required to report to the Committee indicating those political subdivisions that are in compliance with the planning and zoning regulation requirements and sound attenuation standards for building codes for territory in the vicinity of a military airport and the action taken by the Attorney General to bring them into compliance. Report pursuant to 28-8481 and 8482, see attachment A.

## HISTORICAL NOTES

Created by the Defense Base Realignment and Closure Act of 1990, the Base Realignment and Closure Commission (BRAC) is charged with reviewing the nation's military facilities to make recommendations for installation realignments and closures. BRAC evaluations were conducted in 1991, 1993, and 1995. Arizona was directly impacted by the 1991 BRAC evaluation that resulted in the closure of Williams Air Force Base in 1993.

Laws 1995, Chapter 62 established the Arizona Military Airport Preservation Committee (AMAPC) for the purpose of encouraging the preservation of the long term viability of Arizona's military airports and the private property rights of property owners in the vicinity of military airports. Additionally, \$200,000 was appropriated from the general fund to the AMAPC for FY 1996 to conduct engineering surveys and related expenses to assist in the development of legal descriptions for land within the noise contours of Luke Air Force Base and the Marine Air Corps Station- Yuma.

The charge of the AMAPC was expanded by legislation passed in 1996 (Laws 1996, Chapter 338) to include the study of noise contours as they are issued and to facilitate the development and distribution to metes and bounds legal description of noise contours. The 1996 legislation also exempted the \$200,000 appropriation from lapsing.

Laws 1997, Chapter 28, expanded the approved use of the \$200,000 appropriation to include the performance of a baseline study to determine the condition, mission, growth capacity, potential long-term outlook and obstacles to future utility and development of Arizona military airport bases. The legislation also specified that Davis- Monthan Air Force Base, Luke Air Force Base, Fort Huachuca, Marine Corps Air Force Base-Yuma, Barry Goldwater Gunnery Range and Yuma Proving Grounds be included in the baseline study.

Laws 1999, Chapter 258, established agriculture preservation districts for the purpose of maintaining and encouraging existing agricultural uses and maintaining and encouraging open space uses for the lands in the district without impairing private property rights. The districts

shall take actions that are consistent with the continued operation and use of military airports or former military airports that are being redeveloped and continued to be operated as airports and that are located in or near the district. The districts shall encourage voluntary participation.

Laws 2000, Chapter 266, required political subdivisions with territory adjacent to a military airport to file a report with the Attorney General to show compliance with land use planning and zoning regulation requirements and sound attenuation standards for building codes for territory in the vicinity of a military airport. The Attorney General is required to report to the Committee indicating those political subdivisions that are in compliance with the planning and zoning regulation requirements for territory in the vicinity of a military airport and the action taken by the Attorney General to bring them into compliance. (See Attachment A)

Laws 2001, Chapter 23, required enhanced notification to military airports of proposed development within their vicinity. Additionally, consultation with military airports is required regarding compatibility with military operations. The legislation reduced the size and scope of the area required to annually report to the Attorney General to use political subdivisions with territory that includes a high noise or accident potential zone. It also required the Attorney General to determine compliance with military airport operations based on a prescribed compatibility table regarding zoning and development requirements in a high noise or accident zone.

Finally, Laws 2001, Chapter 318, appropriated \$1 million from the state general fund to the Department of Commerce in FY 2001-2002 to develop comprehensive land use plans in the high noise or accident potential zones surrounding active military airports. It additionally appropriated \$2 million from the general fund to the Department of Agriculture in FY 2002-2003 for long-term support of agriculture preservation districts.

## PROCEEDINGS

The Committee held one public meeting as follows:

July 17, 2001 (Minutes- See Attachment B)

Senate Staff gave an overview of 2001 legislation, including S.B. 1525 and S.B. 1120. The Committee heard a presentation from the Attorney General's office on enforcement legislation, followed by an Arizona Department of Commerce presentation on the agriculture preservation district appropriation. The Committee also heard from various people from the Dysart Unified School District who voiced their concerns. In addition three military bases (Luke Air Force Base, Yuma Marine Corps Air Station and Davis Monthan), spoke about encroachment around military airport bases.

# ATTACHMENT A

## **Arizona Attorney General**

### **Report of Compliance with A.R.S. §§ 28-8481 and 8482**

**November 14, 2001**

#### **Introduction**

Pursuant to A.R.S. § 28-8481(S) (formerly A.R.S. § 28-8481(Q)) this office is required to submit this report to the Arizona Military Airport Preservation Committee indicating those political subdivisions that are in compliance with A.R.S. §§ 28-8481 and 28-8482 and those actions it is taking, or intending to take, to bring political subdivisions not in compliance into compliance. This office has reviewed the reports submitted by the affected political subdivisions and submits this report in fulfillment of the statutory requirement.

#### **Reporting Period**

As you know, during the last legislative session, Senate Bill 1525 (SB 1525) was enacted significantly amending A.R.S. §§ 28-8481 and 8482. SB 1525 was not effective until August 9, 2001, just six days before the reports were due from the political subdivisions. Questions have arisen regarding the relevant "reporting period" because the statute does not specifically define it. There are several references in SB 1525 to "July 1, 2001." Because of those references and the fact that a reporting period that runs from July 1 to June 30 corresponds with the state's fiscal year, it is logical to conclude that that is the relevant reporting period. Adopting that as the reporting period also gives the political subdivisions six weeks to prepare their reports following the close of the reporting period. Based on this reasoning, the reports submitted were reviewed for compliance with the law as it existed on June 30, 2001, the end of the reporting period. The amendments contained in SB 1525 will be relevant for the next reporting period.

#### **Luke Air Force Base**

From the reports submitted, it appears that the following cities in the vicinity of Luke Air Force Base are in compliance with A.R.S. §§ 28-8481 and 8482: Peoria, Glendale, Surprise, Goodyear, Litchfield Park and Buckeye.

As of the date of this report, the following political subdivisions have not submitted a report or affidavit to this office as required by A.R.S. §§ 28-8481(H) or (J): the City of Youngtown, the City of El Mirage and Maricopa County. As required by A.R.S. § 28-8481(I), this office sent notification to those political subdivisions that their required reports had not been received. That notification was sent on October 19, 2001 and the political subdivisions have thirty days to respond. Because this reporting requirement is fairly new and there have been several recent statutory amendments affecting reporting requirements, it is the intention of this office to work with those jurisdictions to see that the reporting requirements are met. Because all three political subdivisions were in compliance with A.R.S. § 28-8481 and 8482 at the time of

the February, 2001 reports, it could be assumed they are still in compliance. If the reports are not forthcoming, however, the Attorney General is prepared to initiate an enforcement action as allowed by A.R.S. §28-8481(O) to bring them into compliance.

**Davis-Monthan Air Force Base**

From the reports submitted, it appears that the following political subdivisions are in compliance with A.R.S. §§ 28-8481 and 8482: the City of Tucson and Pima County. It is not apparent from its report that Pima County submitted its report to the City of Tucson as required by A.R.S. § 28-8481(H). This office has sent a letter to Pima County requesting proof of filing with the City of Tucson.

**Libby Air Field, Fort Huachuca**

From the reports submitted, it appears that the following political subdivisions are in compliance with A.R.S. §§ 28-8481 and 8482: Cochise County and the City of Sierra Vista. It is not, however, apparent from their reports that they submitted them to the other political subdivisions affected by Libby Air Field. This office has sent letters to Cochise County and the City of Sierra Vista requesting proof of filing with the other affected political subdivisions.

As of the date of this report, the Town of Huachuca City has not submitted a report or affidavit. This office sent the town notification that the required report had not been received on October 19, 2001. This office has been in contact with a representative of the Town. There was some confusion regarding the effect of SB 1525 on this year's reporting requirements. This office will work with the Town of Huachuca City to bring it into compliance with the reporting requirements.

**Marine Corps Air Station, Yuma**

From the reports submitted, it appears that the following political subdivisions are in compliance with A.R.S. §§ 28-8481 and 8482: the City of Yuma and Yuma County.



## ATTACHMENT B

ARIZONA STATE LEGISLATURE  
Forty-fifth Legislature – First Regular Session

**MILITARY AIRPORT PRESERVATION COMMITTEE**

Minutes of Interim Meeting  
Tuesday, July 17, 2001  
Senate Hearing Room 1 - 10:30 a.m.

(Tape 1, Side A)

Cochairman Cirillo called the meeting to order at 10:35 a.m. and attendance was noted by the secretary.

**Members Present**

Senator Jay Blanchard	Mr. Tom Manfredi
Supervisor Casey Prochaska	Mr. John Ogden
Supervisor Janice Brewer	Mr. Konstantine Nezer
Mr. Gary Blake	Mayor Marilyn Young
Mr. Mark Spencer	Representative Mike Gleason, Cochairman
Mr. Steve Jewett	Senator Ed Cirillo, Cochairman

**Members Absent**

Representative Mark Maiorana	Mr. Mike Anable
Mayor Elaine Scruggs	General R. Thomas Browning

**Speakers Present**

Nadine Sapien, Senate Research Analyst  
Patricia J. Boland, Chief Counsel, Natural Resource Section, Attorney General's Office  
Debra Z. Sydenham, Community Planning Manager, Arizona Department of Commerce (DOC)  
John S. Arnold, Deputy Director of Finance, School Facilities Board (SFB)  
Dr. Margot Seck, Superintendent, Dysart Unified School District  
Thomas J. Murphy, Logistical Planner, Dysart Unified School District #69  
Mayor Joan Shafer, City of Surprise  
Doris N. Flax, Sun City West, Member, Dysart School Board, representing herself  
Robert F. Koch, Sun City West, Former President, Dysart Governing Board  
Diana Bass, Surprise, Member, Dysart Governing Board, and a parent representing herself  
Lt. Col. Mike Barton, representing Luke Air Force Base on behalf of Col. Sargeant  
David Sumner, Community Planner, Davis-Monthan Air Force Base

## **OPENING REMARKS**

Cochairman Cirillo welcomed attendees, and said the purpose of the meeting is to provide an update on the following issues:

1. Implementation of S.B. 1525 and S.B. 1120, which passed during the 2001 Legislative Session, and pertain to military airports and agricultural preservation districts; and
2. A status report on encroachment around military airport bases, specifically Dysart Schools.

## **OVERVIEW OF RECENT LEGISLATION**

Nadine Sapien, Senate Research Analyst, described S.B. 1525, military airports: preservation (ASRS Laws of 2001, Chapter 23), which provides for enhanced notification requirements of proposed development in the vicinity of military airports (see summary, Attachment 1); and S.B. 1120, agriculture preservation districts (ASRS Laws of 2001, Chapter 318), which appropriates \$1 million from the state general fund to the Department of Commerce for a comprehensive land use plan (see summary, Attachment 2). She noted that S.B. 1120 also appropriates \$2 million to the Department of Agriculture for long-term support of agricultural preservation districts, and that both bills are designed to protect Arizona's existing military airports.

## **PRESENTATIONS**

### **ENFORCEMENT LEGISLATION**

Patricia J. Boland, Chief Counsel, Natural Resource Section, Attorney General's Office, advised that she is in charge of enforcing the new legislation, which is designed to clarify existing statutes. She noted that the number of communities required to report has been limited, and that those required to report must now do so annually. She said new reports are expected by August. Ms. Boland noted that the passage of S.B. 1525 does not change enforcement or penalties, and she quoted the penalties for noncompliance. Responding to questions, she advised that while there have been no problems with the municipalities in regard to planning and zoning requirements, there have been some problems with timeliness. She added that she felt it was not appropriate to bring an action at this time, since all reports have now been received from those jurisdictions that were required to file the first report.

Supervisor Brewer asked who makes the decision regarding legal action. Ms. Boland said enforcement is by the Attorney General.

Referring to the new legislation, Mr. Spencer asked if guidelines are established to determine who is involved in agricultural activities as opposed to residential use. He pointed out that approximately twenty percent of farms in the United States are smaller than ten acres. Ms. Boland said she would need to research the issue before giving a definitive response, and offered to report back to the Committee. She noted that existing homes are grandfathered.

Further discussion ensued on the definition of "agriculture" and the size of farm affected.

Supervisor Prochaska pointed out that an existing community land use plan may be more stringent than the state plan, and asked which would take priority. Ms. Boland opined that a more strict community plan would probably be in compliance.

### **AGRICULTURE PRESERVATION DISTRICT APPROPRIATION**

Debra Z. Sydenham, Community Planning Manager, Arizona Department of Commerce (DOC), discussed Section 3 of S.B. 1120, which makes a \$1 million appropriation to DOC to procure the services of consultants in order to develop comprehensive land use plans in the noise and accident potential zones surrounding active military airports (see Attachment 2). She said a draft scope of work has been prepared to address the issues required by the legislation (Attachment 3), which is expected to be further modified and abridged following a well-attended stakeholder meeting on July 16, 2001 at which the following items were identified for implementation:

- funding mechanisms for landowner compensation
- potential funding sources for those mechanisms
- identification of criteria and compensation components
- compilation of existing plans
- review of communities with no plans

She further described comments from the meeting and the agreed-upon goal to move forward aggressively.

Supervisor Prochaska cautioned that Yuma funded a comprehensive land use plan that was done too quickly to be useful. Ms. Sydenham assured the Committee that the stakeholders will work closely together to ensure that the plan is both timely and workable.

Cochairman Gleason pointed out that this issue has been discussed for thirty years. He added that S.B. 1525 sets out specific requirements within the Air Installation Compatibility Use Zone (AICUZ), and it is important to know the amount of compensation for the growers.

Cochairman Cirillo offered to make available base reviews that have been completed in the recent past for the five active bases. Ms. Sydenham said DOC would welcome copies.

Supervisor Brewer pointed out that the White Tanks plan is comprehensive and took two years to complete, and she opined that the new study is duplicative. She added that Luke Air Force Base (AFB) will be hurt if density is increased, while a density decrease will result in taking property rights from the owners. She emphasized her belief that the most important goal is to find a way to finance buying out the property owners in order to save Luke AFB. Cochairman Cirillo noted that part of the mission of the consultant is to find a funding source.

Ms. Sydenham assured Members that the stakeholders have been careful to include any area that may not be covered by an existing plan or study, and to ensure the consultant looks at the gaps. She agreed with the need for communication in order to avoid duplication, and clarified that the

"up to \$1 million" appropriation covers all active military bases in the state, with Luke AFB the first project priority. She stressed that it will not be a \$1 million study.

Supervisor Brewer remarked that the White Tanks plan is huge, and questioned how large the comprehensive plan will be. Ms. Sydenham said the area of focus is within the 65 LDN boundaries, the noise contour and accident potential zones, with consideration given to land use compatibility issues. She said the consultant will define the area. Supervisor Brewer pointed out that many cities already have plans that have been voted on by their citizens.

Cochairman Gleason called attention to Section 3 of S.B. 1120, which states the requirements for the plans, and further discussion ensued.

Mr. Jewett said he believes a comprehensive land use plan is called for which must look beyond the city limits so that landowners are not hurt. Cochairman Cirillo agreed that while the plan will be within the zone, the area looked at needs to be a little beyond the zone. He said it is important to get copies of all the studies that have already been done.

Supervisor Brewer reiterated her belief that the work is duplicative, and highlighted the urgency of finding a source of money to compensate landowners and save the base. She said time is of the essence.

Ms. Boland opined that the scope should be reviewed in conjunction with all existing legislation, and said she does not believe it will override prior work.

Cochairman Cirillo pointed out that financing is part of the study. He noted that \$2 million will be available next year and that other approaches, such as bonding, will be considered.

Mr. Manfredi asked if the comprehensive land use plan will change the uses within the noise and accident hazard potential zones. Ms. Boland replied that it will not, and further discussion ensued on economically viable and probable use of land within the zone. Mr. Manfredi noted that Yuma already has a joint land use plan. Ms. Boland said it is important to compile existing studies and fill in the gaps.

Mr. Ogden observed that as an interested party who owns 1600 acres in the AICUZ, he supports a comprehensive plan. He noted that five jurisdictions border his land, with seven or eight in the area. He added that most of the work has already been done, and said he believes it should not take a year for the consultant to compile the existing plans and prepare an analysis of the impacts.

Mr. Spencer asked if the study will include identifying properties within the AICUZ where there has been a denigration of property rights. Ms. Sydenham said she is not sure if a determination of takings is involved, but said there will be a valuation analysis. The consultant will look at all the issues, and private property rights can be added to the scope of work if necessary. Mr. Spencer urged that it be included, otherwise he believes the plan will be a waste of time.

Mr. Ogden observed that it will become apparent in the study, and then become a legal issue.

Senator Blanchard asked how much the consultant(s) will be paid. Ms. Sydenham said up to \$1 million has been appropriated to look at plans for all the active military bases. She opined, however, that general plans cost closer to \$200,000 to \$300,000, a price that could change if the scope is changed. Senator Blanchard urged that the plan should be prepared as soon as possible.

(Tape 1, Side B)

Ms. Sydenham assured the Committee that it is the goal of the project team to minimize the cost and to expedite the time frame as much as possible.

Supervisor Brewer urged that finding financing mechanisms is the critical issue.

Mr. Ogden cautioned that the dual expertise needed may be difficult to find. Ms. Sydenham agreed, and said a planning team will be put together to cover the planning and economic aspects of the plan. Cochairman Gleason encouraged use of multiple teams to speed up the process.

#### **SCHOOL FACILITIES BOARD : DYSART UNIFIED SCHOOL DISTRICT**

John S. Arnold, Deputy Director of Finance, School Facilities Board (SFB), extended Executive Director Dr. Philip E. Geiger's regrets that he is unable to attend the meeting.

Mr. Arnold recounted the background to the issues raised by the new legislation in regard to four schools that fall within the areas defined by the bills, as well as two proposed school sites within the accident potential zone. He reported that, following extensive discussion, it was determined that the best course of action would be to close Dysart Elementary and Dysart High Schools and move them outside the zones, and to upgrade El Mirage Elementary and Luke Elementary with soundproofing.

Mr. Arnold advised that the School Facilities Board, however, requested further information on the recommendation, and the issue was approached from the standpoint of the following four questions:

1. Is the safety concern high enough to demand that the facilities be closed?
2. Are restrictions on expanding and renovating school sites significant enough that they lose viability?
3. Are noise concerns high enough that they cannot be attenuated?
4. Does closing the facilities make sense for the community?

1. Following further review involving the Air Force, School District, affected cities, and a public meeting, the SFB concluded that while there are safety concerns, they are not critical enough to close the facilities.

Cochairman Gleason asked how this conclusion was reached. Mr. Arnold said it was not an easy decision to make, but that it was based on further consultation with the Air Force, which would not, or could not, say the sites are safety hazards; a history of the facilities and the base; and other facilities, in regard to safety concerns. The conclusion of the SFB was that the facilities do not need to be replaced.

Cochairman Cirillo asked how many school facilities around the state might be affected by the decision. Mr. Arnold said no study has been conducted to make that determination.

Cochairman Cirillo asked Mr. Arnold if he believes cost affected the decision. Mr. Arnold said while cost was not discussed, it is germane to consider at what point safety concerns are sufficient to require mitigation. He pointed out that this is not an easy question to answer, since there are safety concerns at any school, and the decision as to whether those concerns are sufficient to close a school is not an easy one to make.

Cochairman Gleason reminded Mr. Arnold of an accidental bomb drop near Dysart School, and asked if he believes there is a danger to the school where it is presently located. Mr. Arnold said while he is not qualified to quantify the danger to a specific location, it is his opinion that there is a danger.

Mr. Jewett pointed out that the school is not in an accident potential zone. Mr. Arnold noted that the new proposed site is only 1½ miles from the current site.

Cochairman Cirillo acknowledged that it is a subjective decision, and that within a given area it is not easy to determine if one site is at greater risk than another.

2. In regard to whether restrictions on expanding and renovating school sites are significant enough that they lose viability, an opinion from the Attorney General's Office indicated that the restrictions would not affect the future viability of the school or site.

3. In regard to noise, the SFB has agreed to reassess Luke, El Mirage, Surprise and Dysart Elementary Schools, and Dysart High School, and believes noise attenuation will address the problem.

4. In regard to closure of the facilities and whether it makes sense for the community, the SFB will continue to try to work with the communities to find solutions that will best fit the needs of those communities. It was made clear from testimony at the public meeting that it would be detrimental to the community to close the facilities.

Responding to a question from Cochairman Gleason, Mr. Arnold confirmed that testimony heard overwhelmingly expressed the view that it would be detrimental to the community to close the schools, with comments such as: "It would rip the heart out of this community." He pointed out that the public meeting was advertised throughout El Mirage and Surprise.

In answer to a query by Cochairman Cirillo, Mr. Arnold stated that Dysart School Board made the original request to the SFB because they wanted to replace the two facilities.

Cochairman Gleason pointed out that under S.B. 1525, a ten per cent or more change in square footage, units or open space requires notice as prescribed in the bill. Mr. Arnold said the SFB has requested an opinion of the Attorney General, but it is his understanding that it is not an issue.

Dr. Margot Seck, Superintendent, Dysart Unified School District, reported that 26 persons spoke at the public hearing, most of whom were residents of El Mirage. She challenged the conclusions of the School Facilities Board, asserting that the two schools which are to remain open are closer to the accident potential zone than two proposed sites on which construction is not now permitted. She opined that the SFB, a non-elected body, has made a decision that affects the future of Dysart Unified School District. Dr. Seck pointed out that the Air Force has confirmed that construction of the schools at their current location would not be permitted under the new legislation. She advised that Dysart Governing Board believes it is in the position of knowingly operating schools in a potentially high-risk area, and that three board members have resigned because of the liability issue. She emphasized that the District cannot build on or expand its existing campuses, which it believes constitutes a taking.

Responding to questions, Dr. Seck confirmed that the Board sought an opinion from the SFB, and said the increase in square footage sought is estimated at 44 percent.

Thomas J. Murphy, Logistical Planner, Dysart Unified School District #69, said he wished to address the following two points raised by Mr. Arnold:

1. Safety
2. Restrictions on expansion

1. Three resignations have occurred because School Board members recognize the change in the District's liability following passage of the law. The District has been told that it cannot get additional insurance coverage to protect that liability.

2. The student population of Dysart High School has gone up from 998 last year to 1338 currently. People are moving to the West Valley, and a 16-20 classroom building was requested to accommodate the increased number of students. Together with an indoor practice facility, this totals a 44 percent square foot increase, which the District has been told by Luke AFB would not be permitted. The high school has extended the day to accommodate the growth, while the new high school will not open until 2003.

Cochairman Cirillo voiced unease that the state's finances could potentially be jeopardized.

Mayor Joan Shafer, City of Surprise, expressed concern for the safety of the more than 1,000 Surprise children who attend the two Dysart schools. She acknowledged that El Mirage citizens do not want to move the school for emotional reasons, but cautioned that just because there has not yet been an accident, a solution needs to be found.

Noting that the SFB was set up as an independent entity, Cochairman Cirillo asked Committee Members if they want to write to Dr. Geiger on behalf of the District.

Doris N. Flax, Sun City West, Member, Dysart School Board, representing herself, distributed a copy of a letter sent to Dr. Geiger on July 14, 2001, imploring reconsideration of the SFB decision (Attachment 4).



Robert F. Koch, Sun City West, Former President, Dysart Governing Board, testified that he recently resigned as President because he could not in good conscience continue to serve on the Board. A copy of his letter of resignation dated June 27, 2001 was made available (see Attachment 5). He described his background as a lawyer in Washington D.C., and said he believes the SFB's decision is untenable. He pointed out that it is a fact that planes crash, and urged that if there is the slightest possibility that it could happen to Dysart, the SFB should reconsider its decision. He responded to questions.

Diana Bass, Surprise, Member, Dysart Governing Board, and a parent representing herself, observed that Surprise is a growing community. She said she understands that the residents of El Mirage do not want to lose their schools, but said she has received numerous phone calls from parents who were not aware of the public meeting and voiced concern for the children of Surprise.

Cochairman Gleason asked Mrs. Bass if she believes moving the schools would "tear the heart out of the community." Mrs. Bass pointed out that El Mirage is an established community, while Surprise is new and growing, and does not have the emotional ties to the high school.

Cochairman Cirillo asked Members to decide if the Committee should take a position with regard to the SFB decision.

Cochairman Gleason remarked that if something happened at the school it would threaten Luke AFB's existence, so he would support a recommendation that the school be moved.

Mr. Jewett agreed with the concern, and noted that the issue is subjective versus objective.

Mr. Ogden said he does not feel comfortable commenting on the safety issue because the entire West Valley is affected. However, because expansion of the schools is restricted, he believes something needs to be done to accommodate the growth in the West Valley.

Cochairman Cirillo remarked that the Dysart Unified School District is in an untenable position because of the increase in the number of students and the inability to add to the schools. He said the problem needs to be fixed.

Supervisor Brewer asked what can be accomplished if the SFB's opinion is based on S.B.1525, and presumably supported by the Attorney General's Office.

(Tape 2, Side A)

Mr. Koch said it is his understanding that no official opinion has been received from the Attorney General's Office, but that Senator Harley has requested one. Cochairman Cirillo said he would also request a legal opinion, but not from this Committee.

Len Guy, representing himself, was also in attendance but did not speak.

## **UPDATE ON ENCROACHMENT AROUND MILITARY AIRPORT BASES**

### **Luke AFB**

Lt. Col. Mike Barton, representing Luke AFB on behalf of Col. Sargeant, reported that Arizona is hailed in Washington D.C. as an example of how to control urban sprawl as it relates to military bases. He said Luke AFB is pleased with the progress that has been made, and believes there has been an unprecedented partnership in the Valley.

### **Yuma Marine Corps Air Station (MCAS)**

Tom Manfredi, representing MCAS Yuma, reported on two encroachment issues that are currently being dealt with:

1. Undocumented aliens crossing the Goldwater Range.
2. The sale of frequencies for cellular phones, which impacts frequency use for training.

He said MCAS Yuma is working with the city and county to implement S.B. 1525 in regard to encroachment, and responded to questions.

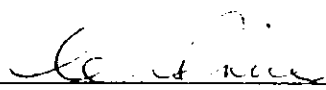
Cochairman Cirillo asked what measures are taken to check for immigrants on the range. Lt. Col. Barton said only the Air Force uses live ammunition, and that checks are made to ensure that there are no people or animals on the range before a bomb drop is made.

In response to a query concerning water provision, Gary Blake said water is not provided on the range because it would encourage people into the high impact, restricted areas.

### **Davis-Monthan AFB**

David Sumner, Community Planner, Davis-Monthan AFB, advised that Colonel Paul Schaeffer is the new Wing Commander at Davis-Monthan. He reported that the City of Tucson has also gone through tremendous population growth and urban development in recent years, and that S.B. 1525 is important to the base to preserve the southeast portion of the runway. He said the base is embarking on an air-flow compatibility study that can be made available to developers, school boards, the City of Tucson, etc., and is also engaged with the State Land Department to plan for compatible development because of the amount of state land in the area. For this purpose, a steering committee is being set up, which will include the Airport Authority, State Land Department and Governor's Office, and a more detailed update can be provided at a future meeting.

Without objection, the meeting adjourned at 12:49 p.m.

  
Carole Price, Committee Secretary  
July 23, 2001

(Original minutes, attachments and tapes are on file in the Office of the Chief Clerk.)